UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
--X
RAFFI STEPANIAN
Plaintiff
-against-

COMPLAINT AND
JURY DEMAND

THE CITY OF NEW YORK ("THE CITY"),

NEW YORK CITY POLICE DEPARTMENT ("NYPD"),

NYPD P.O. MARTINEZ, SHIELD # 10239,

NYPD P.O John Doe, Shield # UNKNOWN

NYPD P.O John Doe, Shield # UNKNOWN

NYPD P.O John Doe, Shield # UNKNOWN

individually and in their official capacities,
jointly and severally,
Defendants.
--X

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1. Pro se Plaintiff, Raffi Stepanian, complaining of defendants, respectfully alleges as follows:

PRELIMINARY STATEMENT

2. Plaintiff asserts the following claims against the defendants in the above-entitled action:

1. Deprivation of rights 42 USC §1983:
2. First Amendment
3. 42 USC §1983: False Arrest
4. False\Unlawful Imprisonment
5. Assault And Battery
6. Selective Enforcement
7. 42 U.S.C. §1986: Refusing/Neglecting To Prevent
8. 42 U.S.C. §§1985 (2): Conspiracy to Interfere with Civil Rights
9. Abuse of Process
10. Retaliatory Prosecution
11. Malicious Prosecution
12. Malicious Abuse of Process
13. Libel
14. Slander
15. Defamation of Character
16. Intentional Infliction of Emotional Distress
17. Negligent Infliction of Emotional Distress
18. 42 USC §1983: Failure to Properly Train
19. 42 USC §1983: Failure to Supervise
20. Violation of Civil Rights

3. Plaintiff brings this action for compensatory damages, punitive damages and injunctive and/or special relief, pursuant to 42 USC §1983, First Amendment, §§1985(2) & (3) and §1986 for violations of civil rights, as said rights are secured by said statutes and the Constitutions of the United States.

4. Plaintiff brings this action for compensatory and punitive damages pursuant to the following New York Penal Law Codes §§§ "120.00 (01)" -- Intentional Assault in the Third Degree, "§35.05(2)" -- Justification Defense of Necessity as an Emergency" and "§35.15 (1)" Justification; use of physical force in defense of a person.

JURISDICTION

5. This action is brought pursuant to 42 USC §1983, §1985(2), §1986 and the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

6. Jurisdiction is founded upon 28 U.S.C. §1331, §1343 and,

7. Jurisdiction for the supplemental pendent New York State claims are founded upon 28 U.S.C. §1367 authorized by F.R.Civ.P. 18(a), and arises under the doctrine of pendent jurisdiction as set forth in United Mine Workers v. Gibbs, 383 U.S. 715 (1966).

VENUE

8. Venue is properly laid in the Southern District of New York under 28 USC § 1391(b) which the claims arose.

JURY DEMAND

9. Plaintiff respectfully demands a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

PARTIES

10. The Plaintiff herein, Mr. Raffi Stepanian, is a citizen of the United States, and at all relevant times a resident of the City and State of New York. Mr. Raffi Stepanian resides at 15-01 144Th Street, Whitestone, New York, 11357.

11. The Defendant herein, NYPD P.O. MARTINEZ, SHIELD # 10239, is a duly appointed Officer of The New York City 18Th Precinct Police Department and a citizen of the United States, and at all relevant times a resident of the City and State of New York.

12. The Defendant herein, NYPD P.O. John Doe, is a duly appointed Officer of The New York City 18Th Precinct Police Department and a citizen of the United States, and at all relevant times a resident of the City and State of New York.

13. The Defendant herein, NYPD P.O. John Doe, is a duly appointed Officer of The New York City 18Th Precinct Police Department and a citizen of the United States, and at all relevant times a resident of the City and State of New York.

14. The Defendant herein, NYPD P.O. John Doe, is a duly appointed Officer of The New York City 18Th Precinct Police Department and a citizen of the United States, and at all relevant times a resident of the City and State of New York.

15. Defendant City of New York is a Municipal Corporation, organized under the laws of New York State. The City of New York is responsible for the unconstitutional customs, policies, procedures, and practices implemented through its various agencies, agents, departments, and employees, and for injuries occasioned thereby. The City of New York is also the public employer of captioned Defendants and at all times relevant to this Complaint.

16. Plaintiff brings this action for compensatory damages, punitive damages and injunctive and/or special relief, pursuant to 42 USC §1983, First Amendment, §§1985(2) & (3) and §1986 for violations of civil rights, as said rights are secured by said statutes and the Constitution of the United States.

17. Defendants were each and all responsible, in whole and/or in part, for the planning and/or creation, promulgation, implementation, and/or enforcement of the unconstitutional policies, practices and/or customs complained of herein, and/or condoned, acquiesced in, adopted, and/or approved of the same, through their acts and/or failures to act, as set forth more fully below.

18. At all times relevant herein, as set forth more fully below, Defendants' actions and/or failures to act were malicious, intentional, knowing, and/or with a deliberate indifference to or a reckless disregard for the natural and probable consequences of their acts and/or omissions.

19. Each Defendant is named and sued in their private, individual and/or official capacities.

20. Defendant THE CITY OF NEW YORK ("NYC") is a municipal entity created and authorized under the laws of the State of New York, with general offices located at City Hall, New York, New York 10007. New York City is authorized by law to maintain the New York City Police Department ("NYPD"), which acts as its agent in the area of law enforcement, and Plaintiff NYC is ultimately responsible for the NYPD and assumes the risks incidental to the maintenance of it and its employees.

21. At all times relevant herein, as set forth more fully below, defendant NYC had de facto policies, practices, customs and usages of failing properly to train, screen, supervise, and discipline agents, employees, and police officers, and of failing to inform the individual defendants and their supervisors of their need to train, screen, supervise or discipline said defendants, which were a direct and proximate cause of the unconstitutional conduct alleged herein and the damages attendant thereto.

22. At all times relevant herein, defendants were duly sworn police officers of the NYPD and were acting under the supervision of said department and according to their official duties.

23. At all times relevant herein, defendants, either personally, privately or through their employees, were acting under color of state law and/or in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State or City of New York.

24. Each and all of the acts of defendants alleged herein were done by said defendants while acting within the scope of and in furtherance of their employment by The CITY OF NEW YORK.

VIDEO SUPPORTED FACTS

25. Please refer to the following unredacted YouTube video link to view Joe Governali's overt violent intentional and repeated physical assaults/attacks upon the Plaintiff at the following YouTube Internet addresses a). and b)., below:

a. https://www.youtube.com/watch?v=36uz8UL_idA

b. https://www.youtube.com/watch?v=q8FTHSymDjs

26. Video "a," above clearly demonstrates Mr. Joe Governali's repeated intentional, malicious premeditated, planned intentional and deliberate and repeated violent physical assaults/attacks upon the Plaintiff.

27. Video "a," above also demonstrates that Joe Governali willfully, violently and physically engaged the Plaintiff and also attempted to repeatedly and did maliciously strike the filming camera in the Plaintiff's right hand.

28. The live video recording demonstrates that the Plaintiff was yelling for someone to call the police, while Governali was in the progress of intentionally and violently attacking and assaulting the Plaintiff, while he was still holding the camera in his left hand.

29. Following Governali's attack Plaintiff exited the 36 west building and reported the incident to 911 from another telephone at 23 west 47 Street. Plaintiff waited for the police to arrive and reported the incident.

30. Responding units entered the 36 West 47 Street building and Plaintiff waited in the lobby of said building.

31. There was a responding officer waiting in the building lobby (36 west 47 St, NY, NY, 10036) that Plaintiff offered to show the entire video of the incident. The officer didn't care to see it and only glanced, without any interest. Plaintiff asked if he can then smoke a cigarette outside, while waiting with this officer. The officer replied, "stay here don't go anywhere." Another officer then walked into the building and Plaintiff had his hands in his coat pockets. This officer said, "when you're talking to me, keep you're hands out of your pockets." The Plaintiff was not told he was under arrest at any time.

32. The officer's order, "when you're talking to me, keep you're hands out of your pockets" alerted plaintiff that his liberty was in jeopardy. This officer escorted Plaintiff out of the building and Plaintiff started recording momentarily. This recording captured the officer's statement, "you might be," in regards to plaintiff's question of arrest. That recording is "b" above.

33. Video "b," demonstrates the officer, John Doe, replying to Plaintiff's concern of being arrested. The police officer replied "you might be. We're gonna have an investigation back at the precinct. The problem is the other guy (Joe Governali) is bloody;" you're not." This video also demonstrates Plaintiff truthfully informing the officer that Governali attacked the plaintiff. The officer then asks to see the incident video(s) on Plaintiff's video recorder. The Plaintiff was not told he was under arrest.

34. The officer above did not view the entirety of video(s) “a” that he asked to see, above (note that the videos in the above “a)” link have been spliced together with the original unredacted files). None the less the videos were/are factual evidence in existence, pertinent for investigative purposes. *See* ... At most, probable cause may be defeated if the officer "deliberately disregard[s] facts known to him which establish justification." Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir.2003) (emphasis added). ...the officer may not "deliberately disregard facts known to him which establish" an exculpatory defense. Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir. 2003). Indeed, an officer's awareness of the facts supporting an exculpatory defense may eliminate probable cause. Id. at 135. ...Panetta v. Crowley, 460 F.3d 388, 398 (2d Cir.2006) ("Once an officer has probable cause, he or she is neither required nor allowed to continue investigating, sifting and weighing information.") (internal quotation marks omitted). At most, probable cause may be defeated if the officer "deliberately disregard[s] facts known to him which establish justification." Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir.2003) (emphasis added).

35. Prior to being placed into the marked police unit the Plaintiff was illegally ceased, (“you might be under arrest, see video b above) illegally searched, illegally handcuffed behind his back, illegally taken into custody and illegally seated into a marked unit with exculpatory video on the camera in his pocket that the officers neglected to review. On route to the precinct the officer indicated above drove and officer Martinez, shield # 10239, sat in the back with the Plaintiff. The driver stated, “we’re going to check you for any warrants at the precinct. If there are no warrants we’ll probably give you a DAT and release you.” See issued DAT, below:

POLICE DEPARTMENT OF THE CITY OF NEW YORK
Desk Appearance Ticket

Precinct of Arrest : 018 DAT Serial No. : 018-01098 OLBS Arrest-ID : M16684835

The People of the State of New York VS.

Defendant Name : STEPANIAN, RAFFI,
Defendant Address: 15-01 144 STREET, ,
QUEENS, NY 11357 Age: 48 yrs Date of Birth: 01/07/1968

You are hereby summoned to appear in the Criminal Court of the City of New York, to answer a criminal charge made against you.

Top Offense Charged : PL 120.00 01
County: New York Arraign/Part: DAT Time: 09:00 AM Date: 02/06/2017
At LOC: 100 Centre Street, New York, NY 10003 Room: ____

Instructions for Defendant

You must appear at the time and date indicated above, and present this form to the court clerk.

FAILURE TO APPEAR WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

Should you fail to appear for the offense charged above, in addition to a warrant being issued for your arrest, you may be charged with additional violations of the penal law which upon conviction may subject you to a fine, imprisonment or both. Additionally, if you fail to comply with the directions of this Desk Appearance Ticket, any bail paid will be subject to forfeiture.

Additional Instructions : ____________________

Acknowledgement of Defendant:

I, the undersigned, do hereby acknowledge receipt of the above Desk Appearance Ticket, personally served upon me, and do agree to appear as indicated.

Defendant Signature: [signature] Time: 16 45 Date: 12/16/16

Photographed by: [signature] Time: 16 : 45 Date: 12/16/16

FingerPrinted?: ___

Arresting Officer: MARTINEZ, EDWARD Shield: 10239 Rank: POM Tax Reg.: 930655

Squad: MIDTOWN PRECINCT NORTH Command: 018 Agency: NYPD

Address of Agency if not NYPD: ____________________

Was cash bail accepted?: ___ Amount: $___

[signature] Signature Issuing Officer 12/16/16 Date [signature] Signature Desk Officer

36. In video b, the officer, who was also the driver, can be heard saying that they "were going to conduct an investigation at the precinct." At no time did any officer ask to see the Plaintiff's videos, which were/are crucial evidence exhibits. The Plaintiff was arrested without any probable cause or crime on his part – "told he might be arrested" while he was being deprived of his liberty, without any probable cause.

37. Plaintiff's self defense was reasonable, necessitated and justifiable in consideration of the circumstance that he was subjected to. And the videos clearly demonstrate Joe Governali as the initiating, repeated violent aggressor, repeatedly and intentionally engaging in violent conduct upon the plaintiff by his own volition.

38. The video(s) also demonstrate that Joe Governali attempted to communicate false allegations to others to frame the Plaintiff with overt lies, notwithstanding that immediately after walking away Joe Governali did turn about, violently grabbed and attacked the Plaintiff and continued to unreasonably and violently attack the Plaintiff, endangering the Plaintiff's safety. The Plaintiff was yelling for someone to call the police, while he was being assaulted. This is an indisputable and irrefutable fact that warranted Plaintiff's justified and necessitated plaintiff's right of self defense.

39. Plaintiff was holding the filming camera in his left hand while Governali was unleashing his attack and assaulting the plaintiff.

40. The Plaintiff's right to defend himself was justified and necessary, beyond a reasonable doubt.

41. The Plaintiff's act of self defense was necessary and in accordance with existing and established legal statutes and laws.

42. The officers conspired and planned to issue the DAT with false charges, without conducting proper and impartial investigations that the officer alleged in video b. No officer at the 18Th precinct can demonstrate a review of the Plaintiff's videos in the course of an investigation -- not a single one. Plaintiff was told he "might be arrested" and not properly informed that he was being arrested, notwithstanding the existence of crucial video footage that was neglected and ignored.

43. The Plaintiff's Procedural and Substantive due process rights were clearly violated.

44. When Plaintiff arrived home he immediately spliced and posted all videos to Youtube unredacted and as they currently exist on the camera memory card.

45. In the 18Th precinct the Plaintiff was searched again, and placed into a holding cell and deprived of his liberty on the basis of the officers' false and misleading attempt to lure the Plaintiff into an unconstitutional deprivation of his rights and false arrest. The Plaintiff was in illegal custody, placed into a holding cell for approximately 2 hours and thirty minutes, finger printed and asked to sign a DAT by officer Martinez, prior to being released at approximately 5:00 P.M. 12/16/16.

46. Plaintiff recalled officer Martinez, Shield # 10239, while detained in the 18Th Precinct holding cell and told Officer Martinez that he remembered him from the 62 West video that he posted to YouTube. Officer Martinez confirmed this fact.

47. Officer Martinez, endorsed the DAT with his signature, alleging and attesting to a charge "NY Penal Law 120.00 01, "intentional assault in the 3rd degree," against the Plaintiff with reckless disregard for truth, without conducting an investigation, malicious intent and deliberate indifference, in retaliation for filming him on March 31, 2016, in addition to additional Midtown North officer encounters.

48. The Plaintiff's Procedural and Substantive due process rights were clearly violated.

49. Plaintiff posted the March 31, 2016, video to YouTube at link: https://www.youtube.com/watch?v=VMUPxSbdwY0

50. No Police Officer at the "Midtown North," 18^{Th} Precinct requested to review any portion of plaintiff's exculpatory videos. The Plaintiff's camera was searched at the 18^{Th} Precinct front desk and placed back into his coat pocket where it remained until he was released. The coat was then placed onto a bench outside of the holding cell for the duration of the plaintiff's detention. The camera was in the coat pocket the entire time and never reviewed for exculpatory evidence. (…At most, probable cause may be defeated if the officer "deliberately disregard[s] facts known to him which establish justification." Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir.2003) (emphasis added). …the officer may not "deliberately disregard facts known to him which establish" an exculpatory defense. Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir. 2003). Indeed, an officer's awareness of the facts supporting an exculpatory defense may eliminate probable cause. Id. at 135. Panetta v. Crowley, 460 F.3d 388, 398 (2d Cir.2006) ("Once an officer has probable cause, he or she is neither required nor allowed to continue investigating, sifting and weighing information.") (internal quotation marks omitted). At most, probable cause may be defeated if the officer "deliberately disregard[s] facts known to him which establish justification." Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir.2003) (emphasis added).

51. The Plaintiff's Procedural and Substantive due process rights were clearly violated.

52. Plaintiff was separated and restricted from access to his camera that was in his coat pocket and was deprived of his First Amendment right to film, while he was unconstitutionally, handcuffed, restrained, arrested and imprisoned on the basis of false charges.

53. The Plaintiff's Procedural and Substantive due process rights were clearly violated.

54. Video "b)," above also demonstrates that the Police Officer stated "The problem is the other guy (Joe Governali) is bloody;" you're not." The officers completely disregarded the Plaintiff's videos to falsify charges of "Penal law 120.00 01, intentional assault in the third degree," for Plaintiff's justified and necessitated self defense against Joe Governali's intentionally violent, malicious, hostile, biased, repeated, physical attacks that posed a risk to the Plaintiff's safety and well being that is clearly demonstrated in Plaintiff's video exhibits.

55. Hence, the Plaintiff was falsely arrested, unlawfully imprisoned, unlawfully searched, assaulted, battered and deprived of his rights by the officers' unconstitutional acts, failures to conduct proper investigations and neglecting to prevent their deliberate acts to deprive the Plaintiff of his protected constitutional rights under color of law.

56. It should also be known that on November 22, 2016 Plaintiff received an email notification from the YouTube channel of Joe Governali's intentionally, libelous, defamatory, hostile and hateful comment that he maliciously posted on one of Plaintiff's videos, quoted: "WHAT KIND OF PSYCHOPATH FILMS HIS OWN PARENTS .....TO RAFI EVERYONE IS A LIAR, CHEAT, CON ARTIST, AND LIVES IN HIS OWN LITTLE INSANE WORLD GOING AROUND 47TH STREET HARASSING AND THREATENING PEOPLE BECAUSE THEY EITHER FIRED HIM FOR LACK OF WORK OR INSUBORDINATION. COMPLETE MORON, MORON, MORON, ANTI SEMITE .....WHO'S THREATENING HIS OWN PARENTS .....
RAFI BELONGS IN AN INSANE ASYLUM."

57. Governali's comment above indicates his unreasonable personal vendetta, preoccupation and obsession with harming the plaintiff with overt hostility, hate and subject matter that does not in any way shape or form concern or be substantiated by him. See the email screenshot below:

New comment on "Stepanians' 42 USC § 1985(2) Conspiracy" - Unicode (UTF-8)
File Edit View Tools Message Help
Reply Reply All Forward Print Delete Previous Next Addresses
From: YouTube
Date: Tuesday, November 22, 2016 12:40 AM
To: Raffi Stepanian
Subject: New comment on "Stepanians' 42 USC § 1985(2) Conspiracy"
YouTube
Joe Governali commented on your video
Stepanians' 42 USC § 1985(2) Conspiracy
Joe Governali
WHAT KIND OF PSYCHOPATH FILMS HIS OWN PARENTS .....TO RAFI EVERYONE IS A LIAR, CHEAT, CON ARTIST, AND LIVES IN HIS OWN LITTLE INSANE WORLD GOING AROUND 47TH STREET HARASSING AND THREATENING PEOPLE BECAUSE THEY EITHER FIRED HIM FOR LACK OF WORK OR INSUBORDINATION . COMPLETE MORON, MORON, MORON, ANTI SEMITE .....WHO'S THREATENING HIS OWN PARENTS .....
RAFI BELONGS IN AN INSANE ASYLUM
Reply
Manage all comments

58. In addition in the year of 2011 Joe Governali informed the plaintiff that he 'killed, machine gunned children in Africa as an NGO (Non Governmental Organization) agent" and also produced an NGO identification card from his pocket.

59. In tandem with this complaint exists two previous claims against the City of New York filed on 2/25/2016, currently pending and active. The Claim #s are respectively "2016PI006743, 12/28/2015" and "2016PI006744 1/20/2016." 2016PI006744 involves Midtown North, 18Th Precinct Officers. Plaintiff properly placed the City of New York on notice as of 2/25/2016. And Plaintiff has also placed the city on notice regarding this matter. The aforementioned claims are pending, concurrent with this complaint/claim. The City of New York is on notice.

60. The unconstitutionally acting officers knew that the Plaintiff had videos and cannot deny that the Plaintiff informed them of such. The officers were unconstitutionally determined to falsify charges against the Plaintiff, without any probable cause, outside of the scope of their duties and legitimate ends of legal process and willfully conspired to

disregard and neglect existing exculpatory video evidence to falsify nonexistent charges against Plaintiff, knowingly, willfully, intentionally, maliciously, unconstitutionally and illegally.

61. The officers neglected and failed to conduct impartial investigations to prevent infringing upon the Plaintiff's protected constitutional rights, notwithstanding existing exculpatory video evidence that Plaintiff furnished and defendants neglected and failed to review.

62. The Defendants were intent upon falsifying charges to illegally arrest the Plaintiff without any probable cause and on the basis of false, misleading and untrustworthy information that they produced, acquiesced with and/or conspired to produce. The officers acts against the Plaintiff were partial, biased invidiously discriminating, unconstitutional and failed to comply with proper investigative procedures. (…At most, probable cause may be defeated if the officer "deliberately disregard[s] facts known to him which establish justification." Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir.2003) (emphasis added)….the officer may not "deliberately disregard facts known to him which establish" an exculpatory defense. Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir. 2003). Indeed, an officer's awareness of the facts supporting an exculpatory defense may eliminate probable cause. Id. at 135.Panetta v. Crowley, 460 F.3d 388, 398 (2d Cir.2006) ("Once an officer has probable cause, he or she is neither required nor allowed to continue investigating, sifting and weighing information.") (internal quotation marks omitted). At most, probable cause may be defeated if the officer "deliberately disregard[s] facts known to him which establish justification." Jocks v. Tavernier, 316 F.3d 128, 136 (2d Cir.2003) (emphasis added).

63. By the rules established in "Brady v. Maryland" the City of New York/NYPD must demonstrate a review of Plaintiff's videos in the (detaining) 18Th Precinct to establish a full and impartial investigation and not the YouTube video link that Plaintiff posted after being released with the charges alleged upon the DAT.

64. "The U.S. Supreme Court, in the landmark case of Brady v. Maryland, #490, 373 U.S. 83 (1963), established clearly that prosecutors have an affirmative duty, as a matter of constitutional law, to disclose all known exculpatory evidence to the accused in a criminal proceeding. If the prosecution suppresses evidence favorable to an accused, it violates due process as guaranteed by the Fourteenth Amendment to the U.S. Constitution." ***See*** "2009 (9) AELE Mo. L. J. 101 ISSN 1935-0007 Civil Liability Law Section – September 2009 Civil Liability for Police Failure to Disclose Exculpatory Evidence: Brady v. Maryland: the Prosecutor's Duty The Duty to Disclose Applied to Law Enforcement."

65. The Police Officers did not review the entirety of Plaintiff's existing, exculpatory videos at the location of incident or in the 18Th Precinct.

66. The Plaintiff's Procedural and Substantive due process rights were clearly violated.

67. At no time did any of the officers act to prevent the infringements upon the Plaintiff's protected rights.

68. At all times herein the officers intentionally and negligently failed to prevent the infringements upon the Plaintiff's rights.

69. At all times herein the officers conspired to interfere with the Plaintiff's protected Civil Rights.

70. At all times herein the officers abused process and maliciously prosecuted the Plaintiff with ulterior motives to gain collateral objective outside of the legitimate ends of legal process.

71. At all times herein the officers maliciously prosecuted the Plaintiff with ulterior motives to gain collateral objective outside of the legitimate ends of legal process.

72. At all times herein the officers intentionally, willfully, knowingly and recklessly, detained and/or falsely arrested and imprisoned the Plaintiff in violation of the First, Fourth Fifth and Fourteenth Amendments to the United States Constitution, without any probable cause and a reckless disregard for existing exculpatory information.

73. At all times herein the officers intentionally, negligently, willfully and maliciously to a reckless disregard for truth continuously acquiesced in retaliatory, libelous and defamatory activities against the Plaintiff.

74. At all times herein the officers intentionally, negligently, willfully and maliciously to a reckless disregard for truth continuously acquiesced in conspiring against the Plaintiff.

75. At all times herein the officers intentionally, negligently, willfully and to a reckless disregard for truth continuously acquiesced in maliciously defaming the Plaintiff.

76. At all times herein the officers intentionally, negligently, willfully and maliciously inflicted emotional distress upon the Plaintiff.

77. At all times herein the officers negligently intentionally, willfully and maliciously inflicted emotional distress upon the Plaintiff.

78. At all times herein the officers, knowingly, negligently, intentionally and willfully violated the Plaintiff's protected civil and constitutional rights, depriving him of the equal protection of the laws, and/or equal privileges and immunities under the laws and his First, Fourth, Fifth and Fourteenth Amendment Rights as guaranteed by the United States Constitution and Statutes, cause in fact and proximate.

79. Plaintiff restates and realleges the allegations contained in ¶¶s 1 through 71 above as if fully set forth and incorporates them by reference.

80. By their arbitrary and/or capricious conduct and actions and/or omissions in depriving plaintiff of his freedom to be let alone, to move freely, and to enjoy his property, in maliciously prosecuting him on the basis of false and/or untrustworthy information, in detaining him, in abusing process against him, in retaliating against him for the exercise of constitutionally protected rights, in inflicting emotional distress upon him, in violating his rights to due process and equal protection, and/or for failing to remedy the aforementioned violations after having witnessed them or having been

informed of them by report, and defendants chilled and created the risk of chilling conduct protected by the First Amendment, and/or by failing properly to train, supervise, or discipline employees of The City Of New York under their supervision, defendants, acting under color of law and without lawful justification, intentionally, maliciously, and/or with a deliberate indifference to or a reckless disregard for the natural and probable consequences of their acts, deprived plaintiff of the equal protection of the laws and/or of equal privileges and immunities under the laws, and thereby caused injury and damage in violation of plaintiffs' constitutional rights as guaranteed under 42 U.S.C. § 1983, §§1985(2) & (3) and §1986 and the First, Fourth, Fifth, and Fourteenth Amendments of the United States Constitution.

81. All of the aforementioned acts of defendants and their agents, servants, and employees were carried out under color of state law, while defendants were acting in their capacities as police officers, with all of the actual and/or apparent authority attendant thereto, under the supervision of ranking officers of said department, pursuant to the customs, usage, practices, procedures, and the rules of The City and the NYPD, and/or defendants, collectively and individually, engaged in conduct that constituted a custom, usage, practice, procedure or rule of The City and enforced under color of law.

82. As a result of the foregoing, plaintiff was deprived of liberty, property First Amendment and protected constitutional rights, suffered psychological and emotional injury, humiliation, mental anguish and was otherwise damaged, without cause.

83. And Plaintiff's camera was separated from him in detention, depriving him of liberty to film and record the activities of the police officers and any communications exchanged with the plaintiff.

As a result of the foregoing the Plaintiff is entitled to compensatory damages and is further entitled to punitive damages against Defendants.

WHEREFORE, Plaintiff demands the following relief jointly and severally against all of the Defendants:

A. An order requiring Defendants to return to Plaintiff, or where necessary to expunge and/or destroy all records and other information taken in conjunction with Plaintiff, to remove from all records and databases and information systems maintained by Defendants or their agents or partners any reference to the Plaintiff and to request that all law enforcement agencies and partners that have received such information destroy the same,

B. Judgment in compensatory damages and punitive damages and

C. Other such further relief injunctive and/or special as the Court may deem just and proper.

Raffi Stepanian
15-01 144Th Street
Whitestone, New York
11357
Tel: (718) 747-1030

RESPECTFULLY SUBMITTED,

[signature]

Dated: 12/23 /2016